IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1229 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/07/2004 in WP No. 2262 OF 2004 on the file of the High Court.)

Between:

A. Abbai, S/o Late Santharao, Hindu,
R/o Harimandalam, Srikakulam District.

..... APPELLANT

AND

The State Transport Authority, A.P. Hyderabad, by its Secretary,
Sri Burgula Ramakrishna Rao Buildings, Tank Bund, Hyderabad.

.....RESPONDENT

Counsel for the Appellant: Mr.T.VENKATA RAMANA

Counsel for the Respondent: GP FOR TRANSPORT

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Order passed by the learned Single Judge dismissing the appellant's Writ Petition

with liberty reserved to the petitioner to file fresh application for the same route is under challenge in this Appeal. In 1993, appellant applied for pucca stage carriage permit on the inter-state enclave route from Pathapatnam to Seedhi via Parlakhimundi, Athiaurikaviti and Ragada. The said application was considered favourably and the appellant was called upon to furnish the valid records within four months from the date of receipt of the proceedings. Copy of those proceedings was duly served on the appellant-petitioner on 28.11.1998. As per Rule 192 of the Andhra Pradesh Motor Vehicles Rules, 1989 (for short "the Rules), when such a person as the petitioner is unable to produce the records as referred to in sub-rule (1) of Rule 192 of the Rules, the transport authority, the appellate authority, or, the Government, acting under Section 90 of the Motor Vehicles Act, shall grant four months time reckoned from the date of the receipt of the order granting the permit to produce the records of the vehicle before the transport authority, which has to issue the permit. This time can be extended by a further period of four months, provided, the transport authority, the appellate authority, or the Government, as the case may be, is satisfied that there is good ground for grant of extension. On failure to produce the records within the time fixed by sub-rule (2) of Rule 192 of the Rules, the transport authority, appellate authority, or, the Government, as the case may be, is entitled to revoke the sanction.

Admittedly, the petitioner-appellant slept over the matter for a period of five years. He neither applied for extension of time nor submitted the records enabling him to obtain orders from the transport authority. On 6.2.2004, Writ Petition was filed praying for issuing directions to the respondent to extend the time at least by eight weeks to enable him to file valid records of his bus to obtain pucca stage carriage permit in terms of the orders dated: 18.7.1998. Before filing Writ Petition, neither the petitioner sought any extension nor submitted any representation to the respondents. Simply, the petitioner approached the Court seeking the directions prayed for. Learned Single Judge dismissed the Writ Petition on the ground that the petitioner had not made any endeavour to get the permit renewed or obtained any extension of time for production of records including production of vehicle and only after 5 years, he filed the writ petition. Reliance of the appellant on the decision in Writ Petition No. 6398 of 1992 was held to be misconceived, since, in that case, extension has not been granted, and, after expiry of eight months relevant records had been produced and application for extension was rejected on 14.5.1992, against which writ petition was filed and interim order was obtained. It was held by

the learned Single Judge that the facts are different, and, as a matter of fact, matter was carried in appeal in that case, and the Division Bench of this Court declined to interfere in **Y.Babji v. T.Khadgadera Rao and others.**

Learned counsel for the appellant vehemently urged before us that it is a fit case where extension can be granted by four weeks since no prejudice or injury will be caused to the respondent. He further submits that there is no revocation of sanction by the Government. It is a fit case for extension, and, moreover, in many cases, learned Single Judges of this Court had been pleased to grant extension.

We are not impressed with what is submitted by the learned counsel for the appellant. Learned counsel for the appellant has failed to bring to our notice any provision under which extension has to be granted by this Court. As a matter of fact, powers under Article 226 of the Constitution of India are very vast and the courts, while exercising the power of judicial review, are entitled to interfere when arbitrary orders are passed or when the authority exercised the jurisdiction not vested under law. Here is not such a case. None of the orders of the respondent were challenged. Petitioner also did not approach the respondent, and, straight away filed petition in this Court. We may refer to the decision of the learned Single Judge of this Court in W.P.No.13223 of 2000, dated: 29.9.2000 wherein the learned Single Judge declined to exercise jurisdiction. In such like a case, for valid reasons assigned, similar arguments, as has been addressed by the learned counsel for the appellant before us, were turned down. We are in full agreement with the reasons of the learned Single Judge, which, in our view, correctly interpret Rule 192 of the Andhra Pradesh Motor Vehicles Rules, 1989. We find no justification in this case in interfering with the orders passed by the learned Single Judge, and, we proceed to dismiss the Appeal.

The Appeal, therefore, stands dismissed. No costs.

DEVINDER GUPTA, C.J.

25.8.2004.

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C.V.RAMULU, J.

VR.

To

1. The Secretary, State Transport Authority, A.P. Hyderabad,
Sri Burgula Ramakrishna Rao Buildings, Tank Bund, Hyderabad.

2. Two CCs to Government Pleader for Transport, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.